



03 SEP 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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In re Application of :
GORAN AGREN :
Application No.: 09/857,103 : DECISION
PCT No.: PCT/SE99/02266 :
Int. Filing Date: 03 December 1999 :
Priority Date: 03 December 1998 :
Attorney Docket No.:20743-4568 :
For: DEVICE IN PACKAGING :

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 regarding the Notification of Acceptance issued on 29 June 2001 and the Notification of Abandonment issued on 31 May 2002 in the above referenced application.

On 31 May 2001, within the thirty month deadline for filing a national stage application, applicant filed a transmittal requesting entry into national stage under 35 U.S.C. 371 along with the basic filing fee, a copy of the international application as published and preliminary amendment. However, a declaration signed by the inventor, a requirement under 35 U.S.C. 371(c), was not submitted.

A Notification of Missing Requirements (Form PCT/DO/EO/905) was not issued indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required. Instead, on 29 June 2001, a Notification of Acceptance was erroneously mailed to applicant indicating that applicant had fulfilled all the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). A 35 U.S.C. 371 date of 31 May 2001 was accorded to the application.

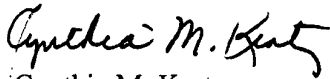
On 31 May 2002, a Notice of Abandonment was erroneously mailed to applicants indicating that applicants had failed to respond to a Notice to File Missing Parts allegedly mailed on 29 June 2001 and the application was considered abandoned. However, there is no indication in the application file that such Notice to File Missing Parts was issued.

CONCLUSION

For the reasons stated above, the Notification of Acceptance (Form PCT/DO/EO/903)

mailed on 29 June 2001 was issued erroneously and is hereby VACATED. The Notice of Abandonment mailed on 31 May 2002 was also issued erroneously and is hereby VACATED.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration executed by the inventor in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration after the thirty month period is required.



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